

REMARKS

I. Status of Claims

Claims 1-9 are pending in the application. Claim 1 is the only independent claim. Claims 1, 6-9 are currently amended. Support for the amendments to the claims may at least be found in, for example, the specification, on page 5, lines 20-21, page 7, lines 8-29, page 8, lines 10-13, and claim 10. Claims 10-11 are canceled without prejudice to and/or disclaimer of the subject matter therein.

Claims 1, 6, 7, and 9-11 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Bass (USP 6,272,873) (“Bass”) in view of Suzuki (USP 4,949,553) (“Suzuki”).

Claims 2-5 and 8 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Bass in view of Suzuki as applied to claim 1 above, and further in view of Critoph et al. (USP 5,845,507).

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Applicant’s Statement of Substance of Examiner Interview

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the telephonic interview conducted October 20, 2008 between Examiner Tai, Examiner Nguyen and Daniel Shanley.

- (A) Exhibits. No exhibit was shown or demonstration was conducted.
- (B) Claims. 1 and 6.
- (C) Prior art. None.
- (D) Amendments. Amending claim 1 to recite “waste heat.”
- (E) Principal arguments of Applicant. The cited references do not describe transferring heat produced by the engine to the engine coolant.
- (F) Other matters. N/A
- (G) Results. Agreement was not reached.

III. Pending Claims

Claim 1, the only independent claim, stands rejected under 35 USC 103(a) as allegedly being unpatentable over Bass in view of Suzuki.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, *inter alia*, "...wherein the working device is a drive source mounted on a vehicle for causing the vehicle to travel, and the high temperature thermal medium is high temperature coolant that has been used to cool the drive source."

The Applicant respectfully submits that, in the invention of claim 1, the working device is a drive source (e.g., reference numerals 1 and 2) mounted on a vehicle for causing the vehicle to travel, and the high temperature thermal medium is high temperature coolant that has been used to cool the drive source.

With respect to Bass, this reference discloses a self powered motor vehicle air conditioner for heating and cooling a motor vehicle cab when the engine of the vehicle is not operating (See column 2, lines 5-15, of Bass). Also, in Bass, thermoelectric modules 36 generate electricity by utilizing a temperature difference between cooling water passing through a cooling chamber 37 and heat generated during combustion process in a combustion chamber 35 of a heater 1 (See Figs. 2A and 2B of Bass). The Applicant respectfully submits that the heater 1 is provided independently from the vehicle engine and performs the combustion process in the combustion chamber 35 to generate a high temperature thermal medium, regardless of operation of the vehicle engine. That is, in the system of Bass, the heater 1, which is provided independently from the vehicle engine, generates a high temperature thermal medium used for generating electricity with the thermoelectric modules 36. Accordingly, Bass does not teach the claimed feature in which "the high temperature thermal medium, which is used for generating electricity with the thermoelectric converter, is high temperature coolant that has been used to cool a vehicle-mounted drive source for causing the vehicle to travel."

Further, the Applicant respectfully submits that the dependent claims further distinguish certain embodiments of the present invention from the cited references. For example, claim 6, as amended, recites that the energy recovery system includes a heat exchanger (e.g., reference

numeral 17) through which the low temperature thermal medium generated by the heat pump passes. When the air conditioner cools air that will be sent to a passenger compartment of the vehicle, the heat exchanger performs heat exchange between the low temperature thermal medium passing through the heat exchanger and the air that will be sent to the passenger compartment to assist cooling operation of the air conditioner.

The Applicant respectfully submits that none of the other cited references cure the deficiencies of Bass and/or identify a reason to modify Bass in the manner as claimed by the Applicant. As discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), the Applicant respectfully submits that it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant. Obviousness cannot be sustained on mere conclusory statements.

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 1 and its dependent claims are patentable over the cited references.

IV. Conclusion

In light of the above discussion, Applicants respectfully submit that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. **The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.**

Respectfully submitted,

Date: November 21, 2008

By: /Daniel G. Shanley/
Daniel G. Shanley
(Reg. No. 54,863)

KENYON & KENYON LLP
1500 K Street, N.W., #700
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201